

### **REMARKS/ARGUMENTS**

The rejections presented in the Final Office Action dated October 5, 2004 have been considered. Claims 1-39 remain pending in the application. Reconsideration of the rejected claims and allowance of the application in view of the present response is respectfully requested.

Claims 14 and 24 are allowed. Claims 9, 12, 13, and 15 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the indication of allowability for claims 9, 12, 13 and 15, and believes the claims to be in condition for allowance (without any amendments) in view of the following remarks.

Claims 1-8, 10, 11, 16-23, and 25-39 stand rejected under 35 U.S.C. § 102(e) as being disclosed by *Sherman et al.* (U.S. Patent No. 6,647,409; hereinafter *Sherman*). Claims 1, 17, 25, and 32 have been amended. Applicant contends that the claims, as amended, are not anticipated by *Sherman*.

*Sherman et al.* describes a system for retrieving email messages and other items from a server based on predetermined criteria, such as date, size or keyword information. A device initially downloads preliminary information (a list of items) from a server to a handheld device (H/PC) and determines which items are not presently stored in the device. Those items located on the server and not on the H/PC are downloaded. (*Sherman* col. 2, lines 51-66)

The present invention, as presented in claims 1, 17, 25, and 32, for example, involves providing reference information to a user of a wireless terminal operating in a wireless network. A user-identified request identifier is received at the wireless terminal that identifies desired reference information corresponding to the request. A determination is made whether or not the desired reference information is locally stored in the wireless terminal. If the desired reference information is locally stored, then the reference information is presented via the wireless terminal. If the desired reference information is

not locally stored in the wireless terminal, then the request identifier is transmitted to the server. The reference information is retrieved from a data server and presented.

The system of *Sherman* does not teach or suggest, for example, transmitting the request identifier from the wireless terminal to a data server if the desired reference information is not locally stored. Assuming, *arguendo*, that the request identifier of Applicant's invention corresponds to the predetermined criteria used by *Sherman*, as asserted by the Examiner, the predetermined criteria (e.g., date range) is not transmitted to the server if the desired reference information is not locally stored. According the embodiment of *Sherman* described at col. 8, lines 32-40, transmitting the predetermined criteria to the server is not contingent on whether or not the reference information is locally stored. In contrast to the present invention, the predetermined criteria of *Sherman* in this embodiment are always transmitted to the server so that the H/PC can download a list from the server that lists items corresponding to the predetermined criteria. In this embodiment, *Sherman* uses the predetermined criteria as filter criteria in a filtering operation.

In another embodiment of *Sherman*, discussed at col. 9, lines 31-45 and illustrated by Figure 6, the *Sherman* system uses the predetermined criteria to determine which items to retrieve from the server. If an item listed in the server list that meets the predetermined criteria is not locally stored, the *Sherman* system retrieves the item. In this embodiment, *Sherman* does not transmit the predetermined criteria to the server at all.

Thus, *Sherman* presents alternative embodiments that teach always transmitting the predetermined criteria to the server and never transmitting the predetermined criteria to the server. Applicant's invention transmits the request identifier to the server contingent upon whether or not the item is locally stored.

Because *Sherman* does not teach or suggest all the claim elements as recited, at least, in amended claims 1, 17, 15, and 32, Applicant's invention is patentable over *Sherman*.


In view of the clear grounds for patentability of independent claims 1, 17, 25, and 32, as amended, Applicant believes it unnecessary to address all grounds for rejection of dependent claims 2-8, 10, 11, 16, 18-23, 26-31, and 33-39 which depend from the independent claims. However, the Applicant does not acquiesce to the Examiner's

characterization of the cited references as applied to Applicant's dependent claims 2-8, 10, 11, 16, 18-23, 26-31, and 33-39. These dependent claims include all of the limitations of the base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Applicant reserves the right to address these rejections should the Examiner maintain the rejection of the base claims, notwithstanding Applicant's amendments to the claims and remarks presented above.

If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him at 651-686-6633 (x110) to discuss any issues related to this case.

Respectfully submitted,

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